

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a Class II Trucking facility.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Lynch Cove Associates
(Type or Print Name)
By: PJW Realty, Inc., General Partner
Signature
William J. Spiegel, President
(Type or Print Name)
Signature

Attorney for Petitioner:
John P. Machen
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John P. Machen, Attorney for Petitioner
Name
1100 Charles Center South
Baltimore, Maryland 21201
Address
36 South Charles Street
Baltimore, Maryland 21201
Phone No. (301) 539-2530

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of January, 1982, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2nd day of March, 1982, at 10:15 o'clock A.M.

Z.C.O.-No. 1

(over)

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

(a) the location of restroom facilities for both sexes, drivers' room and telephone service for truck drivers and other personnel in the office building within 620 feet of the subject property in lieu of the "on-site" requirement of Section 410A.3.b.8 and (b) a determination of the authority of the zoning commissioner concerning the paving requirements for trucking facilities.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Lynch Cove Associates
(Type or Print Name)
By: PJW Realty, Inc., General Partner
Signature
William J. Spiegel, President
(Type or Print Name)
Signature

Attorney for Petitioner:
John P. Machen
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John P. Machen, Attorney for Petitioner
Name
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Address
36 South Charles Street
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Phone No. (301) 539-2530

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Z.C.O.-No. 1

(over)

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 410A.3.B.1 to allow a net lot area of 3,000 sq. ft. in lieu of the required 5,000 sq. ft. and Section 410A.3.B.2 to allow provisions for restrooms for both sexes, drivers' room and telephone service for truck drivers and other personnel to be located off-site in lieu of locating on the subject property. (c) Section 410A.3.B.5 (IX.A.2 CODE) to waive of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (Indicate hardship or practical difficulty)

the requirement that paving, base, and soil be certified as sufficient for trucking use.

(see attached sheet)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Lynch Cove Associates
(Type or Print Name)
By: PJW Realty, Inc., General Partner
Signature
William J. Spiegel, President
(Type or Print Name)
Signature

Attorney for Petitioner:
John P. Machen
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John P. Machen, Attorney for Petitioner
Name
1100 Charles Center South
Baltimore, Maryland 21201
Address
36 South Charles Street
Baltimore, Maryland 21201
Phone No. (301) 539-2530

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Z.C.O.-No. 1

(over)

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 17, 1982

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Nicholas B. Commodari
Chairman

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

John P. Machen, Esquire
1100 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201

RE: Item No. 55
Petitioner - Lynch Cove Associates
Special Exception, Special Hearing
and Variance Petitions

Dear Mr. Machen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Located on the southwest corner of Stansbury and Chesterwood Roads in the 12th Election District, the subject property is presently being utilized for the parking of trucks. Surrounding properties are zoned M.L., as is this site and are improved with industrial uses.

In view of your client's proposal to legalize the existing use, the special exception is required. In addition, the variances are included to allow a smaller lot area than required, to allow facilities for truckers to be located off-site and to grant relief from the paving requirements all as set forth in Bill No. 18-76, which pertains to trucking facilities. The special hearing has been included at the suggestion of the zoning supervisor, Mr. Iyer.

Revised site plans have been submitted which appear to satisfy the comments of the Office of Current Planning and the Department of Traffic Engineering. In order to obtain additional information on the comment from the Department of Permits and Licenses, I suggest you contact Mr. Charles Burnham at 491-3987. In addition, if your requests are granted, the final site plan will have to be approved by the County Trucking Facilities Committee.

Item No. 55
Lynch Cove Associates
Special Exception, Special Hearing
and Variance Petitions

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Commodari,
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NEC:bac

Enclosures

cc: Evans, Hagan & Holdefer, Inc.
8013 Belair Road
Baltimore, Maryland 21236



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

October 23, 1981

Mr. William E. Hammond
Zoning Commission
County Office Building
Towson, Maryland 21204

Re: Item #55 (1981-1982)
Property Owner: Lynch Cove Associates
S/W corner Stansbury Rd. and Chesterwood Rd.
Acres: 1.5867 District: 12th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Chesterwood and Stansbury Roads, existing public roads, are proposed to be improved in the future as 40-foot closed section roadways on 60-foot rights-of-way.

The entrance locations are subject to approval by the Department of Traffic Engineering, and are to be constructed in accordance with Baltimore County Standards and Specifications.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #55 (1981-1982)
Property Owner: Lynch Cove Associates
Page 2
October 23, 1981

Water and Sanitary Sewer:

There is an 8-inch public water main in Stansbury Road. Public 8-inch sanitary sewerage exists within a 10-foot utility easement with a service connection into Manhole 47602-A, (northeasterly of the "existing 1 story brick building" indicated on the submitted plan), see Drawing #76-0422, File 1.

Very truly yours,

Robert A. Morrow, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

cc: Jack Wimbley
Bob Powell

E-SW Key Sheet
16 SE 22 & 23 Pos. Sheets
SE 4 P Topo
1/3 Tax Map

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

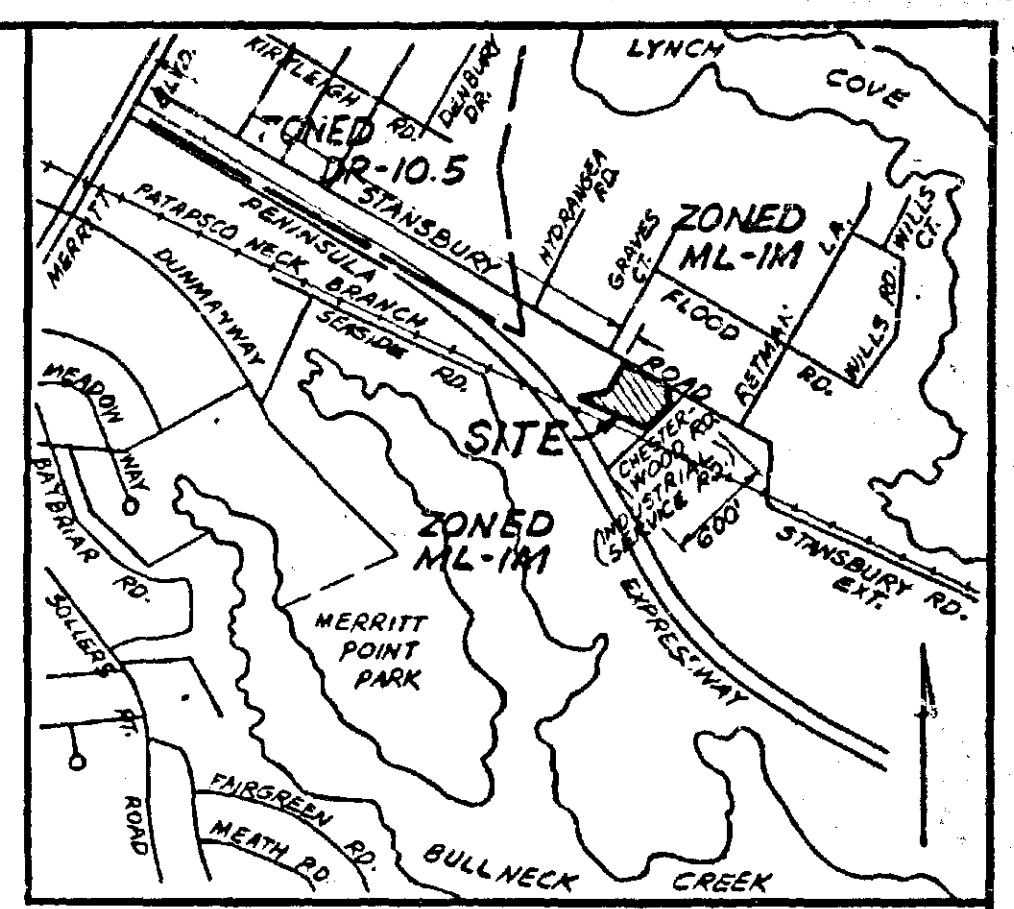
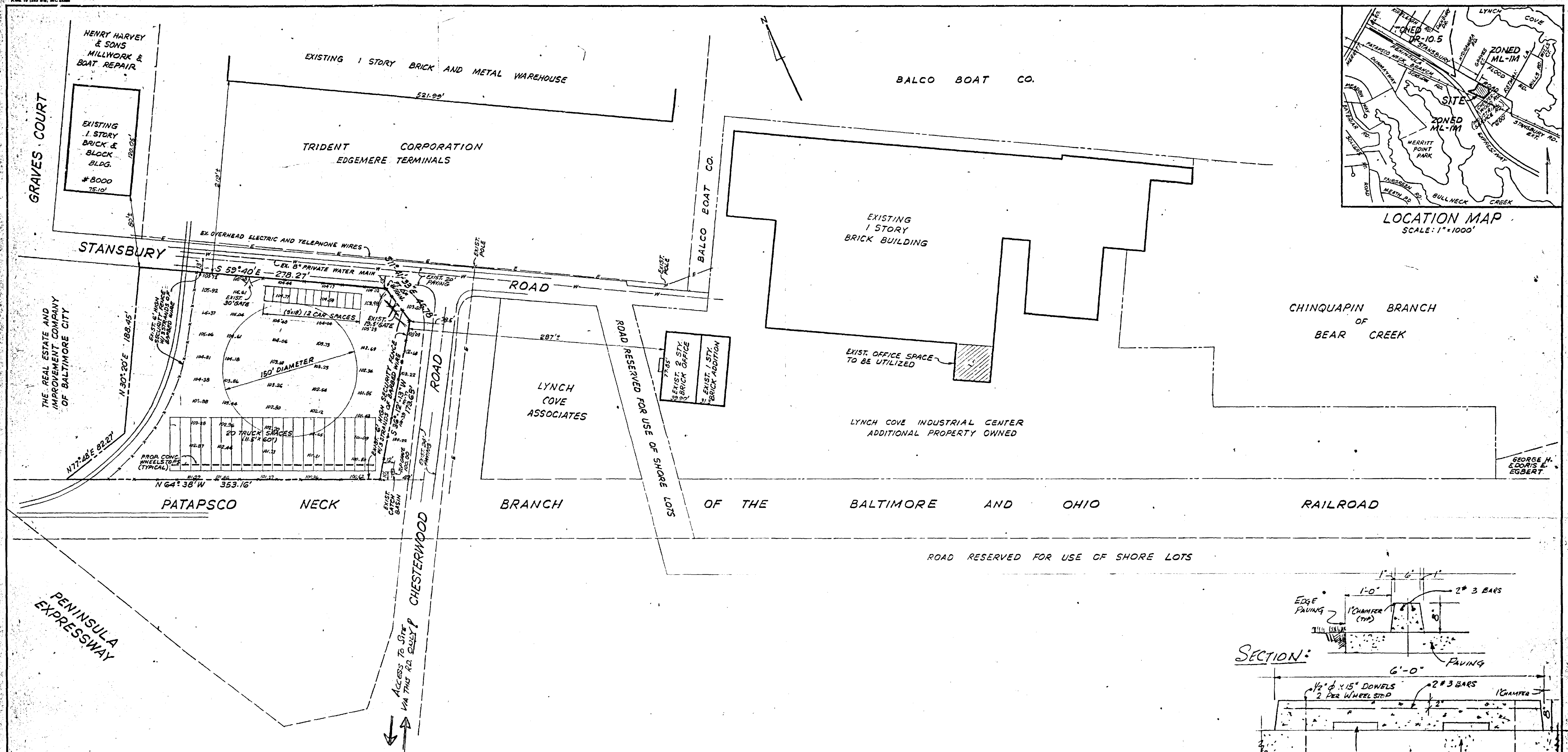
Your Petition has been received and accepted for filing this 21st day of January, 1982.

WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner - Lynch Cove Associates

Petitioner's Attorney - John P. Machen, Esq.

Reviewed by Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

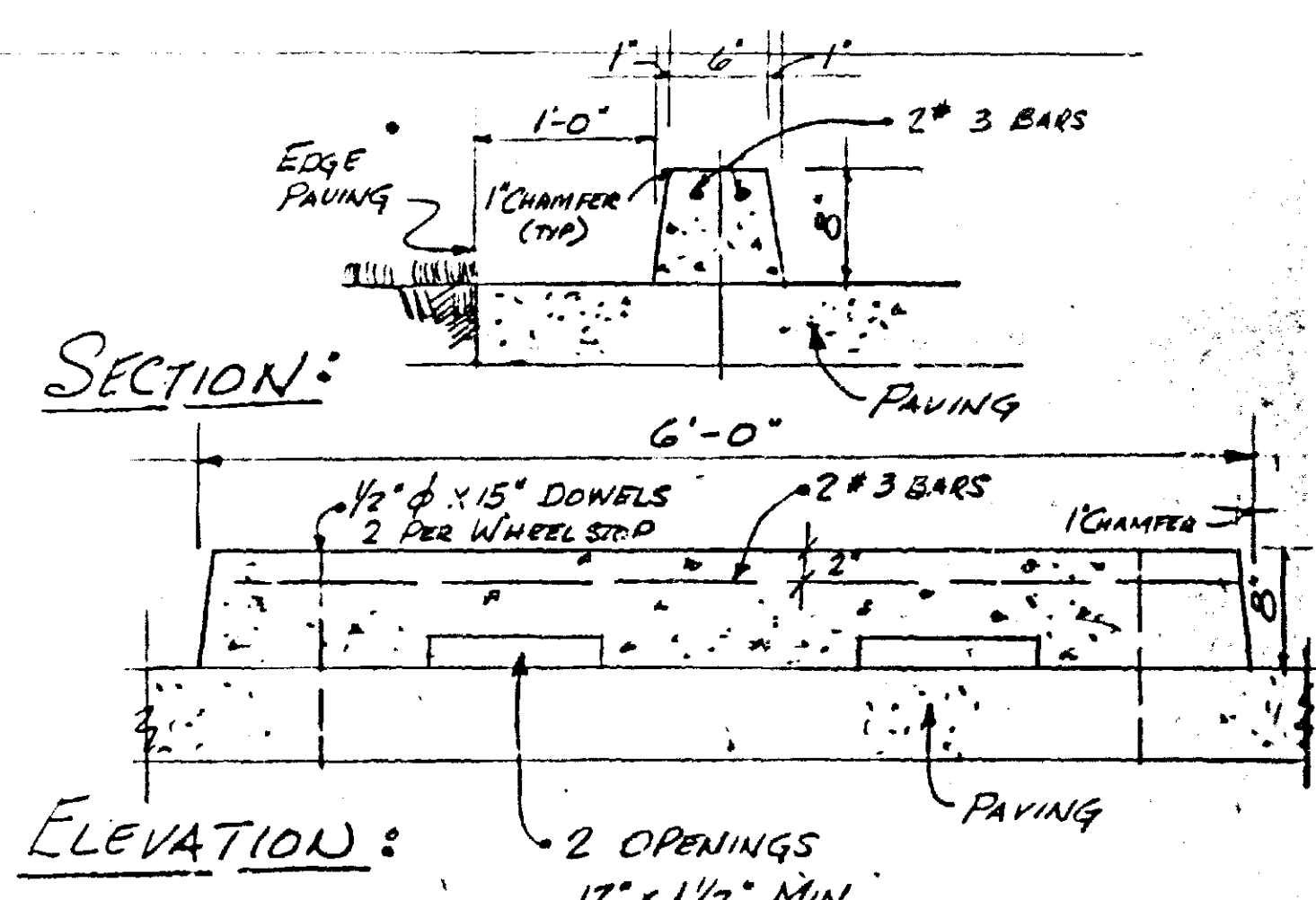


- NOTES:**
1. AREA OF PROPERTY 1.5867 AC±.
 2. PRESENT ZONING - ML
 3. PRESENT USE - TRUCK PARKING FACILITY.
 4. PROPOSED USE - CLASS II TRUCKING FACILITY.
 5. PROPOSED ZONING - ML WITH A SPECIAL EXCEPTION FOR CLASS II TRUCKING FACILITY WITH THE FOLLOWING VARIANCE REQUESTS:
 - A) TO SECTION 410 A.3.B.1 OF BILL NO. 18-76 TO ALLOW AN AREA OF 1.5 ACRES IN LIEU OF THE REQUIRED 5 ACRES.
 - B) TO SECTION 410 A.3.B.3 OF BILL NO. 18-76 TO ALLOW NO PROVISIONS FOR REST-ROOMS, DRIVERS ROOM AND TELEPHONE SERVICE. SEE NOTE 9 FOR REASONS.
 6. NUMBER OF TRUCK PARKING SPACES PROVIDED = 20 AT 11.5'
 7. NUMBER OF PASSENGER CAR SPACES PROVIDED = 12 AT 9'
 8. NO JUNKED VEHICLES WILL BE STORED ON SITE.
 9. EXISTING OFFICE BUILDING IS SITUATED WITHIN 620' OF TRUCK PARKING FACILITY AND, SO LONG AS UNDER COMMON OWNERSHIP, WILL PROVIDE ALL AMENITIES TO THE EXTENT REQUIRED UNDER SECTION 410 A.3.B.3.
 10. HOURS OF OPERATION WILL BE BETWEEN 7AM AND 5PM FOR THE MAXIMUM NUMBER OF 20 TRUCKS AND 12 PASSENGER CARS.
 11. COMPLIANCE WITH PROVISIONS FOR A CLASS II TRUCKING FACILITY WILL BE ACHIEVED APPROXIMATELY 50 DAYS AFTER RECEIVING APPROVAL OF PETITION.
 12. ACCESS TO SITE IS STRICTLY VIA CHESTERWOOD RD.

C.) TO SECTION 410 A.3.B. OF BILL NO. 18-76 TO EXEMPT PAVING CERTIFICATION BECAUSE THIS IS AN EXISTING TRUCK FACILITY & PAVING IS IN GOOD CONDITION.

PLAT TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTION
AND VARIANCES
LYNCH COVE ASSOCIATES
12TH ELECTION DISTRICT BALTIMORE CO., MARYLAND

G/O JOHN P. MACHEN, ESQ.
PIPER & MARBURY
36 S. CHARLES ST.
BALTIMORE, MD. 21201

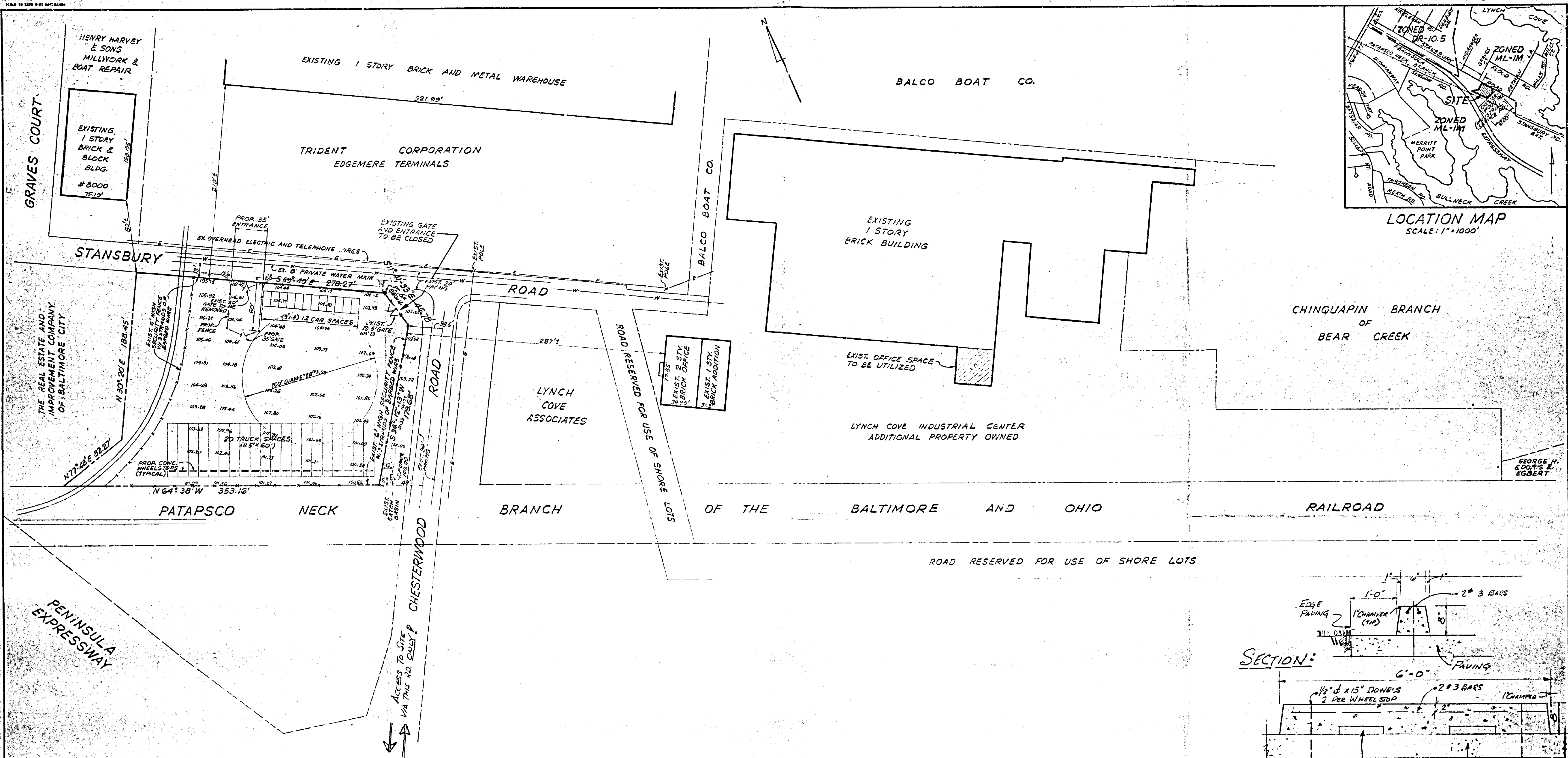


CONCRETE SHALL BE 4500 P.S.I. - AIR ENTRAINED - PROVIDE & INSTALL ONE WHEEL STOP CENTERED ON EACH PARKING SPACE AS NOTED ON SITE PLAN.

CONCRETE WHEELSTOP
1" x 1'-0"

EVANS, HAGAN & HOLDEFER, INC.		
DATE	REVISION	BY
SURVEYORS AND CIVIL ENGINEERS		
8013 BELAIR ROAD / BALTIMORE, MD. 21236		
(301) 668-1501		
529 POPLAR STREET / CAMBRIDGE, MD. 21613 / (301) 238-3360		
111 JOHN ST. EET / WESTMINSTER, MD. 21157 / (301) 948-1790		
13 S. WASHINGTON STREET / EASTON, MD. 21501 / (301) 822-8433		
Drwg. No.		

DATE: 7-17-81 SCALE: 1"=50'



NOTES :

1. AREA OF PROPERTY 1.5867 AC±.
2. PRESENT ZONING - ML
3. PRESENT USE - TRUCK PARKING FACILITY.
4. PROPOSED USE - CLASS II TRUCKING FACILITY.
5. PROPOSED ZONING - ML WITH A SPECIAL EXCEPTION FOR CLASS II TRUCKING FACILITY WITH THE FOLLOWING VARIANCE REQUESTS:
 - A) TO SECTION 410 A.3.B.1 OF BILL #18-76 TO ALLOW AN AREA OF 1.5 ACRES IN LIEU OF THE REQUIRED 5 ACRES.
 - B) TO SECTION 410 A.3.B.8 OF BILL #18-76 TO ALLOW NO PROVISIONS FOR REST-ROOMS, DRIVERS ROOM AND TELEPHONE SERVICE. SEE NOTE 9 FOR REASONS.
6. NUMBER OF TRUCK PARKING SPACES PROVIDED = 20 AT 11.5'
7. NUMBER OF PASSENGER CAR SPACES PROVIDED = 12 AT 9'
8. NO JUNKED VEHICLES WILL BE STORED ON SITE.
9. EXISTING OFFICE BUILDING IS SITUATED WITHIN 620' OF TRUCK PARKING FACILITY AND, SO LONG AS UNDER COMMON OWNERSHIP, WILL PROVIDE ALL AMENITIES TO THE EXTENT REQUIRED UNDER SECTION 410 A.3.B.8.
10. HOURS OF OPERATION WILL BE BETWEEN 7AM AND 5PM FOR THE MAXIMUM NUMBER OF 20 TRUCKS AND 12 PASSENGER CARS.
11. COMPLIANCE WITH PROVISIONS FOR A CLASS II TRUCKING FACILITY WILL BE ACHIEVED APPROXIMATELY 120 DAYS AFTER RECEIVING APPROVAL OF PETITION.
12. ACCESS TO SITE IS "STRICTLY" VIA CHESTERWOOD RD.

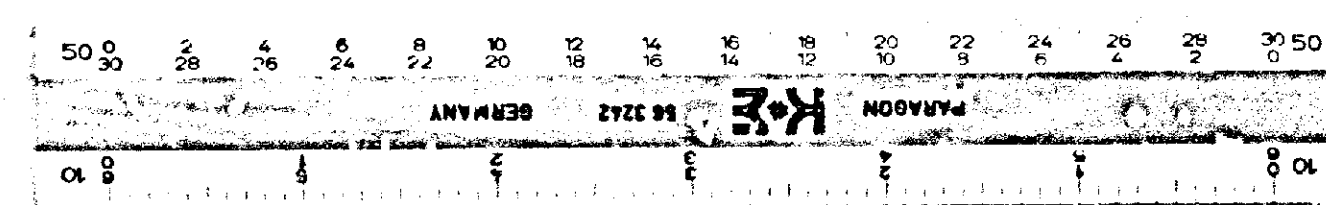
C.) TO SECTION 410.A.3.B OF BILL N°18-76 TO EXEMPT PAVING CERTIFICATION BECAUSE THIS IS AN EXISTING TRUCK FACILITY & PAVING IS IN GOOD CONDITION.

PLAT TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTION
AND VARIANCES

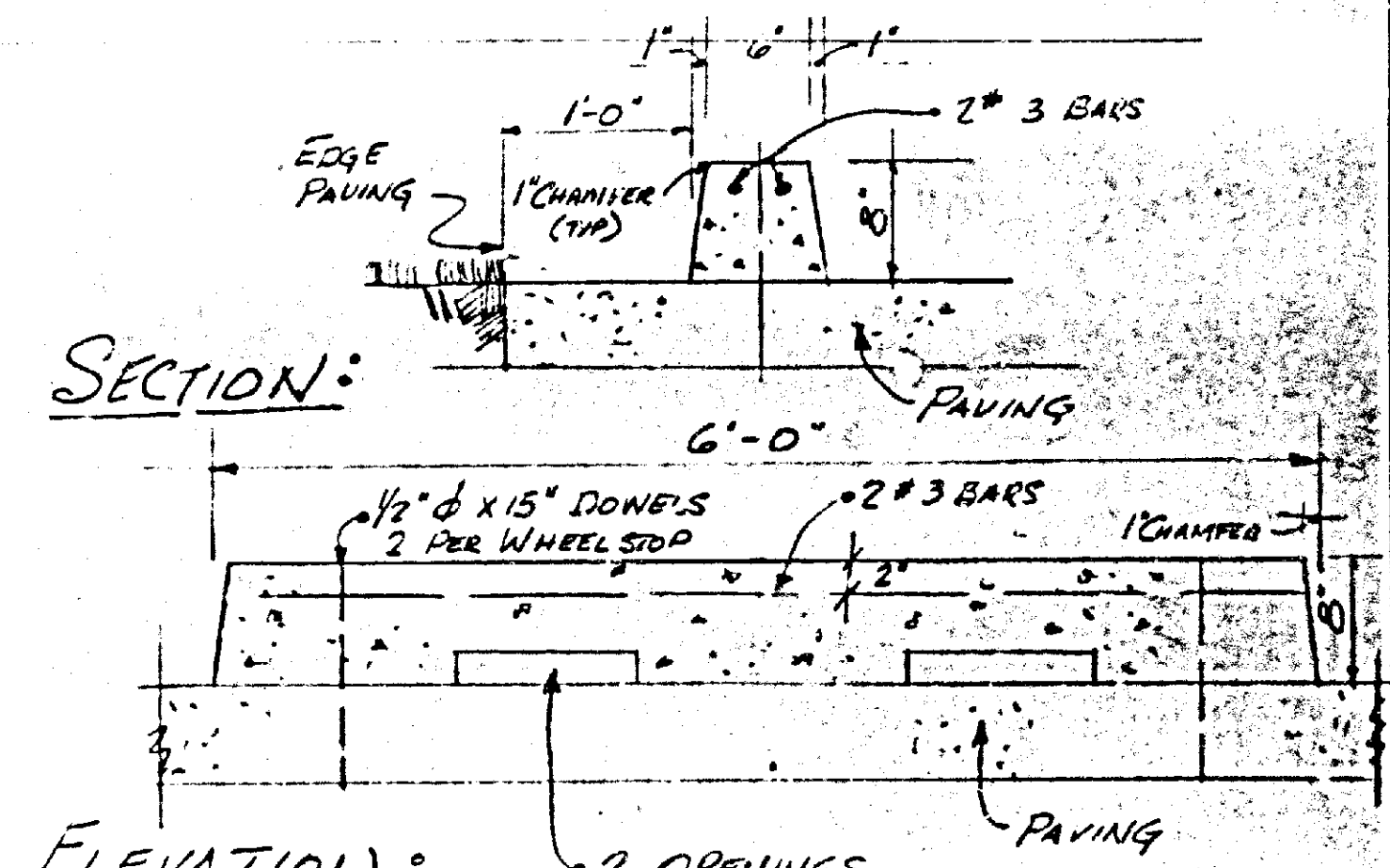
LYNCH COVE ASSOCIATES

12TH ELECTION DISTRICT BALTIMORE CO., MARYLAND

C/O JOHN P. MACHEN, ESQ
PIPER & MARBURY
36 S. CHARLES ST.
BALTIMORE, MD. 21201



SECTION:



ELEVATION:

12" x 1 1/2" MIN.



CONCRETE SHALL BE 4500 P.S.I. - AIR ENTRAINED -
PROVIDE & INSTALL ONE WHEEL STOP CENTERED ON EACH
PARKING SPACE AS NOTED ON SITE PLAN.

CONCRETE WHEELSTOP

$$1'' = 1' - 0''$$

REVISED PLANS FEB 10 1960
HON. #55

EVANS, HAGAN & HOLDEFER, INC.

EVANS, HAGAN & HOLDEFER, INC.		
DATE	REVISION	BY
2-10-82	FSV AS PER BALTO. CO. CMTS.	N.Z.
B-24-9	ADD Final Notes etc.	JH
SURVEYED BY		
COMPUTED BY		
DRAWN BY		
CHECKED BY		
J.M.		
Drwg. No.		
		
SURVEYORS AND CIVIL ENGINEERS		
8113 BELAIR ROAD / GAITHERSBURG, MD. 21226		
(301) 668-1501		
530 POPLAR STREET / CAMBRIDGE, MD. 21612 / (301) 226-3560		
111 JOHN STREET / WESTMINSTER, MD. 21157 / (301) 848-1700		
138 WASHINGTON STREET / EASTON, MD. 21601 / (301) 822-8403		
		
DATE 7-17-81 SCALE 1"=50'		

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Special Exception

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

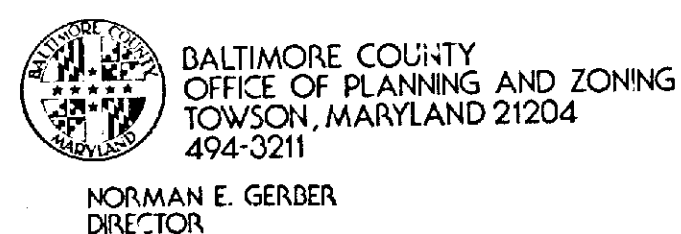
Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, it IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit

(a) As to Section 410A.3.B.1, there is no space available to expand the lot on the subject property to 5 acres; the existing 1.5 acres is sufficient to meet the needs of the truck business being operated by D.M.T. Trucking, Inc. on the subject property and in the office building as shown on the plat entitled "Plat to Accompany Petition for Special Exception and Variances, Lynch Cove Associates," submitted with this petition.

(b) As to Section 410A.3.B.8, the subject property is to be used to park trucks and truck trailers in connection with the trucking business of D.M.T. Trucking, Inc. operated in the office building located within 620 feet of the subject property. Under these circumstances, it would be an unnecessary hardship to require the restroom facilities with other amenities to be constructed on the site of the parking lot when the only persons using such facilities will be the employees of the trucking business who already have such amenities available in the aforementioned office building. See plat entitled "Plat to Accompany Petition for Special Exception and Variances, Lynch Cove Associates" submitted with this petition.

(c) As to Section 410A.3.B.6, the existing parking lot was repaved in 1977 and has been adequate for the parking of trucks and truck trailers. It would be an unnecessary hardship to cut a hole in the pavement in order to extract a core sample for evaluation and certification.



NORMAN E. GERBER
DIRECTOR

December 1, 1981

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #55, Zoning Advisory Committee Meeting, September 15, 1981, are as follows:

Property Owner: Lynch Cove Associates
Location: SW/corner Stansbury Road and Chesterwood Road
Acres: 1.5867
District: 12th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

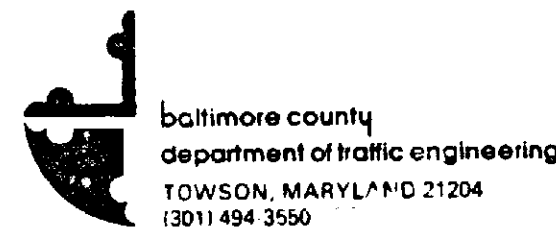
The existing driveway at the intersection of Stansbury Road and Chesterwood Road must be closed.

The driveway on Stansbury Road must be 35 feet in width and the gate must be setback a minimum of 60 feet from the proposed paving.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning & Development

JLW:rh



STEPHEN E. COLLINS
DIRECTOR

September 25, 1981

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 55 - ZAC - September 15, 1981
Property Owner: Lynch Cove Associates
Location: SW/Corner Stansbury Road and Chesterwood Road
Existing Zoning: ML
Proposed Zoning: Special Exception for a Class II Trucking Facility and
Variances to allow a net lot area of 1.5 acres in lieu of the required 5 acres, to allow provisions for restrooms for both sexes, drivers room and telephone services to be located off-site in lieu of the location on the subject property and to waive the requirement that paving be certified as sufficient for trucking use.
Acres: 1.5867
District: 12th

Dear Mr. Hammond:

The Department of Traffic Engineering has the following comments for this item:

- 1) The submitted plan does not reflect to actual use of the site.
- 2) The entrance at the intersection of Chesterwood Road and Stansbury Road should be closed.
- 3) The entrance on the south side of Stansbury Road does not meet County standards and should be changed.
- 4) The gate to the site must be at least 60 feet from the curb line.

Michael S. Flahgan
Michael S. Flahgan
Traffic Engineering Associate II

MSF/r1j

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

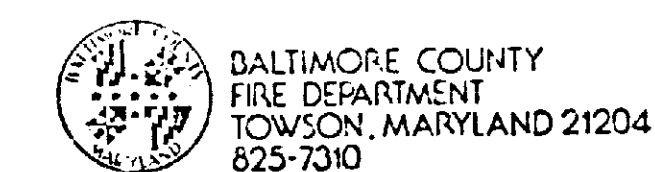
William E. Hammond, Zoning Commissioner
TO: Office of Planning and Zoning Date: October 15, 1981
FROM: Ian J. Forrest
SUBJECT: Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning variance items, and has no specific comments regarding same:

- ✓ Item #55 - Lynch Cove Association
- Item #57 - Michael L. and Michael M. Sacilotto
- Item #58 - Pleasant Hill Chapel, Inc.
- Item #67 - Tyree L. and Dolores M. Back, Sr.
- Item #68 - Saleewun and Weerasak Limamararat

Ian J. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJP/rth



PAUL H. RENCKE
CHIEF

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Lynch Cove Association

Location: SW/Corner Stansbury Road and Chesterwood Road

Item No.: 55

Zoning Agenda: Meeting of September 15, 1981

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

- () 6. Site plans are approved as drawn.

- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: *George M. McLaughlin* Noted and Approved: _____
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

PETITION FOR SPECIAL EXCEPTION; SPECIAL HEARING & VARIANCE
12th DISTRICT

ZONING: Petition for Special Exception. Special Hearing & Variance
LOCATION: Southwest corner of Stansbury Rd. & Chesterwood Rd.
DATE & TIME: Tuesday, March 2, 1982, at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Ave.,
Towson, Maryland

The Zoning Commissioner of Baltimore County by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing:

Petition for Special Exception for a Class II Trucking facility; Special Hearing under Section 540.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve (a) the location of restroom facilities for both sexes, drivers' room and telephone service for truck drivers and other personnel in the office building within 620 feet of the subject property in lieu of the "on-site" requirement of Section 410A.3.B. and (b) a determination of the authority of the zoning commission concerning the paving requirements for trucking facilities; and Variance to allow a net lot area of 1.5 acres in lieu of the required 5 acres and to allow provisions for restrooms for both sexes, driver's room and telephone service for truck drivers and other personnel to be located off-site in lieu of locating on the subject property, and to waive the requirement that paving, base, and soil be certified as sufficient for trucking use.

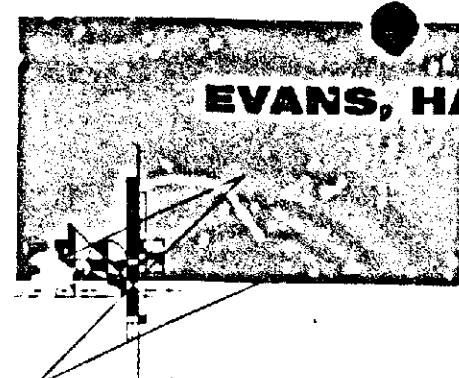
The Zoning Regulations to be excepted as follows:
Section 410A.3.B.1 - minimum required lot size for Class II trucking facility
Section 410A.3.B.8 - restroom facilities, driver's room and telephone services in Class II trucking facility
Section 410A.3.B.6 (IX.A.2 C.M.D.P.) - paving requirements for Class II trucking facility

All that parcel of land in the Twelfth District of Baltimore County

Being the property of Lynch Cove Associates, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, March 2, 1982, at 10:15 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY



EVANS, HAGAN & HOLDEFER, INC.

SURVEYORS AND CIVIL ENGINEERS
8013 BELAIR ROAD / BALTIMORE, MD. 21238 (301) 648-1501
539 RYLAND STREET / CAMBRIDGE, MD. 21613 (301) 228-3350
111 JOHN STREET / WESTMINSTER, MD. 21157 (301) 848-1790
11 S. WASHINGTON STREET / EASTON, MD. 21601 (301) 822-5433

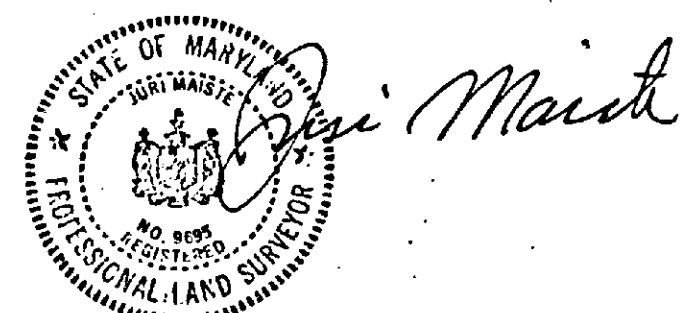
July 16, 1981

DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND VARIANCES
LYNCH COVE ASSOCIATES
12TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at the point formed by the intersection of the southwest side of Stansbury Road, 30 feet wide, with the northwest side of Chesterwood Road, thence leaving said place of beginning and running and binding on said northwest side of Chesterwood Road the two following courses and distances viz: (1) South 11 degrees 41 minutes 33 seconds East 46.78 feet and thence (2) South 36 degrees 12 minutes 13 seconds West 179.68 feet to intersect the northeast right-of-way of the Patapsco Neck Branch of the Baltimore and Ohio Railroad, thence running and binding thereon (3) North 64 degrees 38 minutes West 353.16 feet, thence leaving said northeast right-of-way line and running the two following courses and distances viz: (4) North 77 degrees 48 minutes East 82.27 feet and thence (5) North 30 degrees 20 minutes East 188.45 feet to intersect the aforesaid southwest side of Stansbury Road, thence running and binding thereon (6) South 59 degrees 40 minutes East 278.27 feet to the place of beginning.

Containing 1.5867 acres of land, more or less.

The above description has been prepared for zoning purposes only and is not intended to be used for conveyance.



L. ALAN EVANS, P.E., L.S.
J. CARROLL HAGAN, L.S.
GEORGE W. HOLDEFER, P.E.
J. W. MAISTEL, L.S.

CAMBRIDGE AND EASTON
JESSE W. HUBLEY

WESTMINSTER
RICHARD L. HILL, P.E., L.S.



RE: PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING, AND VARIANCES
SW/corner of Stansbury and Chesterwood Roads - 12th Election District
Lynch Cove Associates - Petitioner
NO. 32-179-XSPHA (Item No. 55)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The petitioner herein, Lynch Cove Associates, seeks a special exception for a Class II trucking facility; a special hearing to approve the location of restroom facilities for both sexes, drivers' room, and telephone service for truck drivers and other personnel in the office building 620 feet from the subject property in lieu of the "on-site" requirement and a determination of the authority of the Zoning Commissioner concerning the paving requirements for trucking facilities; and variances to allow a net area of 1.5 acres in lieu of the required five acres, to allow provisions for restrooms for both sexes, drivers' room, and telephone service for truck drivers and other personnel to be located off site in lieu of being located on the subject property, and to waive the requirement that paving, base, and soil be certified as sufficient for trucking use. The subject property is located on the southwest corner of Stansbury and Chesterwood Roads and contains 1.5867 acres of land, more or less.

The first issue that must be determined is whether a variance to allow a net area of 1.5 acres in lieu of the required five acres for the operation of a Class II trucking facility can be granted because all of the other issues are irrelevant if it cannot. In this respect, the petitioner argued that Section 307 of the Baltimore County Zoning Regulations vests the Zoning Commissioner with the power to grant a variance to area regulations, as well as other regulations specified therein, where strict compliance with the regulations would result in practical difficulty or unreasonable hardship, but only if in strict harmony with the spirit and intent of the regulations and only in such manner as to grant relief without substantial injury to public health, safety, and general welfare.

Section 410A.3.B.1. states:

"Unless the lot on which the facility is situated lies within a planned industrial park, the net area of the lot must be at least 5 acres and its diametral dimension must

be at least 150 feet. (This subparagraph does not limit the number of trucking facilities that may be situated on a lot of the minimum size.)"

The petitioner acknowledged that the subject property does not lie within a planned industrial park and that its net area is substantially below the required five acre minimum, but relied upon Section 307 in requesting the variance to the net area requirement on the assumption that it is a "non-use" variance.

Pathkopf, The Law of Zoning and Planning, 3rd Edition, Volume 2, Chapter 45, Section 1, distinguishes between a "use" variance and a "non-use" variance as follows:

"The two types of variances with which the cases customarily concern themselves are 'use' variances and 'non-use' variances'. The latter consist mostly of variances of bulk restrictions, of area, height, density, set back, side line restrictions and restrictions covering miscellaneous subjects including the right to enlarge non-conforming uses or to alter non-conforming structures.

As the name indicates, a 'use' variance is one which permits a use other than that prescribed by the zoning ordinance in the particular district; it permits a use which the ordinance prohibits.

An area variance, on the other hand, has no relation to a change of use; it is primarily a grant to erect, alter or use a structure for a permitted use in a manner other than that prescribed by the restrictions of the zoning ordinance."

Since the area requirement set forth for Class II trucking facilities is a limitation imposed upon its use for that purpose, it constitutes a use variance to which the provisions of Section 307 are not applicable for the granting of a variance therefrom.

Additionally, the standard for granting an area variance is set forth in McLean v. Soley, 270 Md. 208, 310 Atlantic 2d 783 (1973), as follows:

"1. Whether compliance with the strict letter of the restrictions governing area, set back, frontage, height, bulk or density would unreasonable prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

2. Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

- 2 -

3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured."

The evidence submitted in support of the requested variance from the net area of the lot fails to meet the standards set forth above.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of July, 1983, that the variance to allow a net area of 1.5 acres in lieu of the required five acres is hereby DENIED.

It is FURTHER ORDERED that, based upon the above denial, the Petition for Special Exception for a Class II trucking facility is hereby DENIED. It is FURTHER ORDERED that the Petition for Special Hearing to approve the location of restroom facilities for both sexes, drivers' room, and telephone service for truck drivers and other personnel in the office building 620 feet from the subject property in lieu of the "on-site" requirement and to determine the authority of the Zoning Commissioner concerning the paving requirements for trucking facilities, together with variances to allow provisions for restrooms for both sexes, drivers' room, and telephone service for truck drivers and other personnel to be located off site in lieu of being located on the subject property and to waive the requirement that paving, base, and soil be certified as sufficient for trucking use, are moot and, as such, are hereby DISMISSED.

William E. Hammond
Zoning Commissioner of
Baltimore County

John P. Machen, Esquire
1103 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201

Dear Mr. Machen:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl
Attachments

cc: John W. Hessler, III, Esquire
People's Counsel

July 28, 1983

RE: Petitions for Special Exception, Special Hearing, and Variances
SW/corner of Stansbury and Chesterwood Roads - 12th Election District
Lynch Cove Associates - Petitioner
NO. 32-179-XSPHA (Item No. 55)

John P. Machen, Esquire
1103 Charles Center South
36 South Charles Street
Baltimore, Md. 21201

Evans, Hagan & Holdefer, Inc.
8013 Belair Road
Baltimore, Md. 21238

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 21st day of January, 1984.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner: Lynch Cove Associates
Petitioner's Attorney: John P. Machen, Esq.

Reviewed by: Nicholas E. Commodari
Chairman, Zoning Plans
Advisory Committee



baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

September 1, 1981

Mr. John P. Machen
Law Offices of Piper & Marbury
1100 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201

Dear Mr. Machen:

subject: Lynch Cove Associates

This office has reviewed the plat dated July 17, 1981 and find that it is served by Industrial Service Roads. These roads however were inadvertently left out of the legislation that was written April 10, 1981 but were shown on the map that was prepared to accompany that legislation. We have therefore prepared an additional regulation dated September 1, 1981 which corresponds to the map mentioned above.

We hope this information will be of benefit to you and if we can provide you further information, please don't hesitate to contact us.

Very truly yours,

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer
Planning & Design

CRW/bza

TRAFFIC REGULATION
DEPARTMENT OF TRAFFIC ENGINEERING
BALTIMORE COUNTY, MARYLAND

Towson, Maryland 21204

Pursuant to the power and authority vested in the Director of Traffic Engineering by the Baltimore County Zoning Regulation Section 101. Definitions - Industrial Service Road, Public: Paragraph 2 (Bill #218-80), the following regulation is hereby promulgated:

That, on Map #4A in the Department of Traffic Engineering, the following streets are classified as Industrial Service Roads, and where shown on the map of April 10, 1981 but not listed in the regulation of that date.

ROAD	FROM	TO
Chesterwood Road	Peninsula Expressway	Stansbury Road
Stansbury Road	Hydrange Road	Flood Road
Rethman Lane	Stansbury Road	

ADOPTED this 1st day of September, 1981.

Stephen E. Collins
Director of Traffic Engineering

LAW OFFICES OF
PIPER & MARBURY

300 CHARLES CENTER SOUTH
30 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201

TELEPHONE 301-530-2230
CABLE "PERMAR BAL"
TELEX 908084

September 1, 1981

CERTIFIED MAIL

Mr. Nicholas Commodari
Zoning Technician
Baltimore County Department
of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Stansbury and Chesterwood Roads
Class II Trucking Facility

Dear Mr. Commodari:

Please accept for filing the Petition for Special Exception and Petition for Zoning Variance submitted on behalf of Lynch Cove Associates in connection with the above-referenced property. Enclosed herewith are the following:

- Three (3) original executed copies of the Petition for Special Exception;
- Three (3) original executed copies of the Petition for Zoning Variance;
- Ten (10) copies of a plat entitled "Plat to Accompany Petition for Special Exception and Variances, Lynch Cove Associates," dated July 17, 1981, revised August 24, 1981, prepared by Evans, Hagan & Holdefer, Inc.;
- Seven (7) copies of a legal description of the subject property;
- Letter dated September 1, 1981, from the County's Department of Traffic Engineering regarding industrial service road access, and
- Filing fee in the amount of \$50.

Mr. Nicholas Commodari
September 1, 1981
Page TWO

PIPER & MARBURY

Carroll Hagan of Evans, Hagan & Holdefer, Inc., has reviewed a preliminary draft of the plat with Mr. Dyer. In addition, the enclosed plat contains the revisions that you and I discussed on July 31, 1981.

If you will recall, there was some confusion over whether this property is located on an industrial service road. Mr. Dyer had discussed both with me and Carroll Hagan how best to proceed. However, after some further checking with C. Richard Moore of the Department of Traffic Engineering, it appears that there was an oversight in the drafting of the regulations concerning industrial service roads and that the subject property does indeed have access through an industrial service road. Mr. Moore has taken steps to have the regulations corrected. The enclosed copy of the letter from Mr. Moore confirms these facts.

Both I and Carroll Hagan will be available to discuss any additions or corrections with respect to the petitions or the plat.

Sincerely,

John P. Machen
John P. Machen

Enclosures

cc: Mr. Allen Weber
Mr. J. Carroll Hagan
Mr. Paul Petryszak
Mr. James H. Thompson

JPM:brm

82-400

February 27, 1982
At - Anchorage
Fall River, Mass.

Jules Faber M.E.
Turbo - Marine Electric

Mr. William E. Hammond
Mrs. Walther Jung
Zoning Commissioner - Deputy

Subject: Class 2 Trucking Facility, ML - MI Zone.

LYNCH COVE ASSOCIATES
82-179-XSPHA

Dear Sir - Madam:

Please note: -- Special exception - Special Privilege. According to the zoning regulations no trucking facility should be permitted within an IJ - MI zone which seems to be reserved for light manufacturing or warehouse types of operation.

And whereas, Chesterwood as also Stansbury roads are considered to be access roads to our isolated community of Lynch Cove through Graves Court, it can truthfully be said that such an operation if permitted would only aggravate a problem of parking on county roads, (public property) that has been a sore and bone of contention to the residents of this area. This unfortunate situation has after a period of years of frustration been finally resolved by the residents of this area and Mr. Collins of Traffic Engineering to a degree. And although it is not completely resolved the situation as a whole has brought a measure of tranquility and peace of mind.

I wish that it were possible that I could appear in person to air my view-points but unfortunately my profession of Marine engineer does not make this possible at the moment.

I also am quite positive that with your veto of this operation it will go on appeal to the board and it's regular channels. I thank you for your decisions of yesterday to help us in our endeavor to maintain a quite, orderly and peaceful neighborhood.

Sincerely, Respectfully,

Jules Faber
Seafarer

82-354
KR-24

LAW OFFICES OF
PIPER & MARBURY

300 CHARLES CENTER SOUTH
30 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201

TELEPHONE 301-530-2230
CABLE "PERMAR BAL"
TELEX 908084

February 25, 1982

ACME MESSENGER

Mr. William Hammond
Zoning Commissioner of
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Lynch Cove Associates
Case 82-179-XSPHA
Item No. 55

Dear Mr. Hammond:

Enclosed for filing in connection with the hearing for the above-referenced case are three copies of the Petitioner's Pre-Hearing Memorandum.

Sincerely,

John P. Machen
John P. Machen

Enclosure

cc: Nicholas Commodari
Allen Weber
J. Carroll Hagan
Paul Petryszak

JPM:brm

Petition of Lynch Cove Associates
for
Special Exception, Special Hearing and Variance
* BEFORE THE ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* 82-179-XSPHA (Item No. 55)
* * * * *

PETITIONER'S PRE-HEARING MEMORANDUM

Lynch Cove Associates, a New York limited partnership (the "Petitioner"), has filed with the Zoning Commissioner of Baltimore County (the "Zoning Commissioner") Petitions for Special Exception, Special Hearing and Variance with respect to the property located at the southeast corner of Stansbury Road and Chesterwood Road (the "Property") which is currently leased to D.M.T. Trucking, Inc. ("DMT") and used for truck parking and storage. The Petitioner is seeking the appropriate zoning approvals in order to continue use of the Property as a Class II Trucking Facility as defined in the Baltimore County Zoning Regulations ("BCZR").

The Petitioner, by its attorney John P. Machen, submits this Memorandum in order to summarize the relevant evidence that the Petitioner will present at the hearing for this case and to set forth the Petitioner's argument in support of the granting of the petitions it has filed requesting the following four items:

- Special Exception to permit use of the Property as a Class II Trucking Facility (See BCZR 410A.3.B).
- Variance to permit use of the Property as a Class II Trucking Facility on 1.5 acres instead of 5 acres (See BCZR 410A.3.B.1).
- Variance and/or Special Hearing to permit use of DMT's office located some 620 feet from the Property as the truckers' rest-room and other amenities (See BCZR 410A.3.B.8).

- Special Hearing to permit the use of the Property as a Class II Trucking Facility without the requirement that the Property's paving be certified according to County specifications (See BCZR 410A.3.B.6).

A. Special Exception for Class II Trucking Facility

The Property is zoned "ML-IM". Under BCZR 253.2A, a special exception is required in order to operate a Class II Trucking Facility in such a zone. Evidence and testimony will be submitted at the hearing to support the Petition for Special Exception. Except for these items for which a variance or special hearing are requested, the plat entitled "Plat to Accompany Petition for Special Exception and Variances, Lynch Cove Associates," prepared by Evans, Hagan & Holdefer, Inc. (the "Plat") shows the general zoning requirements for Class II Trucking Facilities. In addition, the Petitioner will submit evidence that use of the Property as a Class II Trucking Facility will meet the requirements for the granting of a special exception set forth in BCZR 502.1 and will not (a) be detrimental to the health, safety or general welfare of the locality involved, (b) tend to create congestion of nearby roads, streets or alleys, (c) create potential hazards, (d) tend to overcrowd land, (e) interfere with adequate provision of public services or (f) interfere with adequate light and air.

B. Variance to allow net lot area of 1.5 acres

Under BCZR 410A.3.B.1, a Class II Trucking Facility must be located within a planned industrial park or have a net lot area of at least 5 acres. As shown on the Plat, the lot area of the Property is 1.5867 acres. Under BCZR 307, the Zoning Commissioner has the power to grant variances from area regulations where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.

The industrial park in which the Property is located has been in existence for at least 20 years. It would be impossible to increase the area of the Property to 5 acres, since the Property is bounded by public roads on three sides and by property owned by The Real Estate and Improvement Company of Baltimore City on the fourth side. Thus, because of the unique circumstances peculiar to this Property and because, as will be shown at the hearing, the current size of 1.5 acres is adequate for the current use of the Property, the granting of a variance is proper; would be in harmony with the spirit and interest of the regulations governing Class II Trucking Facilities, and will not result in any substantial injury to public health, safety, and general welfare.

C. Variance and/or Special Hearing to allow truckers' facilities to be located off-site

BCZR 410A.3.B.8 requires that adequate rest-rooms for drivers of both sexes, a drivers' room, and telephone service for truck drivers and other personnel be provided on the site of a Class II Trucking Facility. As shown on the Plat, both the Property and an office building located some 620 feet from the Property are leased to D.M.T. Trucking, Inc. The office building contains all the amenities required under BCZR 410A.3.B.8.

The Petitioner maintains that a variance is the appropriate remedy with respect to this matter since the necessity to locate the conveniences off-site is directly related to the area restrictions unique to the Property, and under BCZR 307 the Zoning Commissioner has the authority to grant variances from area regulations where strict compliance would result in practical difficulty or unreasonable hardship.

If it were possible that the Property have an area of 5 acres as required under BCZR 410A.3.B.1, instead of the existing 1.5 acres, then the office building with the required conveniences could be located "on-site". To require the

construction of a permanent structure with all utilities on the 1.5 lot to provide for only 25 truck drivers all of which amenities already available in the office building located less than a three-minute walk from the Property would certainly constitute a practical difficulty and unreasonable hardship.

BCZR §410A.4.B.5 sets forth the policy reasons for requiring truckers' conveniences as follows:

"To promote on-site provision of important conveniences so that employees or other[s] associated with existing and future Class II Trucking Facilities need not seek such conveniences in or about the homes or business establishments of others or in other inappropriate places."

Thus the policy for requiring these conveniences is clearly to avoid having truckers impose on adjacent property owners. In this case, that problem is resolved by the availability of the nearby office building that is leased to the same company that leases the Property. Under these circumstances, granting a variance will certainly be in strict harmony with the spirit and intent of the area regulations and will not result in a substantial injury to public health, safety and general welfare.

If the Zoning Commissioner determines that the issue presented by this request to allow off-site truckers' conveniences is not appropriate for a variance, then the Zoning Commissioner has the discretionary authority under BCZR §500.7 to pass an order after a public hearing approving the request. For the reasons set forth above, all of the policy considerations underlying the requirement that truckers' conveniences be provided "on-site" are satisfied by the availability of the conveniences in the office building located a short distance from the Property. It is also significant to note that there is no requirement that the truckers' conveniences be centrally located on the site, and that one could design a Class II Trucking Facility having an area equal to or greater than the minimum of 5 acres so that the truckers' conveniences would be

-4-

located more than 620 feet from any particular 1.5 acre portion of the facility. It is quite possible therefore that a Class II Trucking Facility can comply in all respects to the BCZR and yet its truckers' amenities be less conveniently located to a substantial portion of the facility than the office building in question affords the Property. Under these circumstances it is appropriate for the Zoning Commissioner to approve the use of the office building shown on the Plat as satisfying the requirement that truckers' conveniences be located "on-site."

D. Special Hearing to waive the parking certification

BCZR §410A.3.B.6 requires that paving for Class II Trucking Facilities be in accordance with adopted design criteria. Under his order dated November 13, 1981 in Case No. 81-172-A, the Zoning Commissioner ruled that a variance is the inappropriate remedy in seeking approval to pave trucking facilities with a durable dust-free surface instead of the "bituminous or Portland-cement concrete" as set forth in County's Comprehensive Manual of Development Policies, Section IX - Miscellaneous Adopted Design Provisions. Consistent with that order, the Petitioner seeks a Special Hearing to establish the Zoning Commissioner's discretionary authority under BCZR 500.7 to permit the current use of the Property to continue without having the Property certified as being able to withstand loads imposed by fully loaded trucks of a maximum gross weight of 73,280 pounds as required under the above-referenced design criteria. The Petitioner has been advised that it would cost approximately \$40,000 to repave the Property to conform with County specifications.

The Property is paved with a bituminous surface and, as testimony at the hearing will confirm, was repaved in 1977 and is in good condition. For the most part, (aside from employee parking), the Property is used to store trucks and trailers for carrying new automobiles, and occasionally these trucks are left on the site fully loaded. The maximum gross weight of

-5-

such fully loaded trucks is 55,000 pounds.

Section 410A.4.B sets forth the following policy considerations in connection with zoning matters relating to Class II Trucking Facilities.

2. To assure that the improvements on the sites of existing and future Class II Trucking Facilities are of such design, quality, or character that they will not be likely to deteriorate in such a way that a public nuisance would be created or that the public interest would otherwise be adversely affected.

....

4. To minimize the off-premises parking or storage of vehicles associated with existing and future Class II Trucking Facilities.

....

7. In general, to accommodate trucking activities, in recognition of their importance to the economy of the County and the nation, while minimizing the impact of existing and future Class II Trucking Facilities on the environment and achieving an optimum level of compatibility between such facilities and nearby uses, especially dwellings and institutional uses.

To allow current use to continue without having the paving certified will not be inconsistent with the foregoing policy guidelines. The paving is in good condition and is properly maintained. There would be no "public nuisance" or the "public interest . . . adversely affected" (BCZR §410A.4.B.2); there would be no "off-premises parking or storage of vehicles" (BCZR §410A.4.B.4); and the trucking activities would be accommodated "while minimizing the impact" of the Property on the environment and "achieving an optimum level of compatibility" between the Property and nearby uses (BCZR §410A.4.B.7). On the other hand, to deny approval of continued use without the paving certification will impose a substantial burden on the Petitioner effectively prohibiting use of the Property as trucking facility, and the County will fail to achieve its policy "to accommodate trucking activities in recognition of their importance to the economy of the County and the nation."

-6-

Under BCZR §500.7, the Zoning Commissioner has the power to pass such orders "as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations" (emphasis added). Webster's New International Dictionary defines "proper" in terms of what is "appropriate [or] suitable." Thus the Zoning Commissioner is not bound to apply the zoning regulations in a strict, mechanical fashion, but has the latitude and the obligation to examine each situation and apply the zoning regulations in a way that will achieve an appropriate or suitable result under the circumstances.

Under BCZR §502.2, the Zoning Commissioner has the authority in granting special exceptions to impose "such conditions, restrictions, or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties," to be evidenced by an appropriate agreement recorded among the Land Records of Baltimore County. Even if the paving on the Property is not certified to County specifications, there is no harm or injury to neighboring properties so long as the paving is properly maintained. Because the paving is a bituminous concrete surface, there is minimal loose material and dust that can be offensive to neighboring properties. The Petitioner would be willing to enter into an appropriate recordable agreement with the Zoning Commissioner to ensure the continued proper maintenance of the paving on the Property so as to comply in all respects with the spirit and intent of the Baltimore County Zoning Regulations.

Conclusion
To deny the ability of the Petitioner to continue its present use of the Property will engender a most inappropriate result. A portion of the County's trucking industry, which is

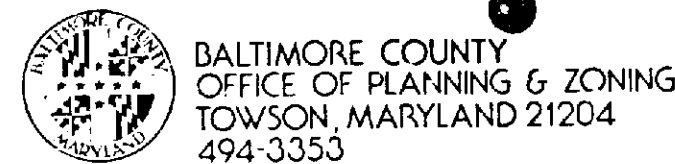
-7-

experiencing the same pressures as the nation's economy as a whole, will be faced with a choice between relocation, termination, or undertaking an enormous expense that will bring with it little or no benefit to the public's health, safety or welfare.

The Petitioner respectfully requests that the Zoning Commissioner grant the petitions submitted on this case.

John P. Machen
John P. Machen
Piper & Marbury
1100 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(301) 539-2530

Attorney for Petitioner



WILLIAM E. HAMMOND
ZONING COMMISSIONER

John P. Machen, Esquire
1100 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201

RE: Petitions for Special Exception, Special
Hearing and Variance
SW/cor. of Stansbury Rd. & Chesterwood Rd.
Lynch Cove Associates - Petitioner
Case #82-179-XSPHA

Dear Mr. Machen:

This is to advise you that \$107.05 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WMPL-12
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 105743
DATE 3/12/82 ACCOUNT 01-662
AMOUNT \$107.05
RECEIVED K Lynch Cove Associates
FROM: Posting and Advertising of Case #82-179-XSPHA
FOR: 83711-12 107.05
VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR SPECIAL
EXCEPTION, SPECIAL HEARING
& VARIANCE
IN THE DISTRICT

ZONING: Petition for Special Exception, Special Hearing & Variance
LOCATION: Southwest corner of Stansbury Road & Chesterwood Road
DATE & TIME: Tuesday, March 2, 1982 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Special Exception for a Class II Trucking Facility, Special Hearing and Variance of Baltimore County to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the location of the Petitioner's proposed trucking facility, room and telephone service for truck drivers and other personnel in the office building with 620 feet of the subject property to the "on-site" requirement of Section 410A.3.B.6 and (4) a determination of the authority of the Zoning Commissioner to waive the paving requirements for trucking facilities in Class II Trucking Facility Section 410A.3.B.6 (IX-A.3) and to allow provisions for room and telephone service for truck drivers and other personnel to be located off-site in lieu of locating on the subject property, and to waive the requirement that paving, base, and sub-base be certified as sufficient for trucking use.

The Zoning Regulation to be requested as follows:
Section 410A.3.B.1 - minimum required lot size for Class II trucking facility
Section 410A.3.B.2 - room and telephone service in Class II trucking facility
Section 410A.3.B.6 (IX-A.3) - paving requirements for Class II trucking facility
All that parcel of land in the Fourth District of Baltimore County

beginning for the same at a point surveyed by the intersection of the southeast side of Stansbury Road, 80 feet wide, with the northwest side of Chesterwood Road, 40 feet wide, and place of beginning and running and binding on said southeast side of Chesterwood Road the two following courses and distances: (1) South 11 degrees 41 minutes 21 seconds West 47.75 feet and then (2) South 36 degrees 30 minutes 41 seconds West 120.85 feet to the intersection of the northeast right-of-way line of the Patuxent Neck Branch of the Baltimore and Ohio Railroad, thence running and binding thence (3) North 84 degrees 40 minutes West 162.14 feet, thence bearing and northeast right-of-way line and meeting the two following courses and distances: (4) North 77 degrees 41 minutes East 52.27 feet and then (5) North 36 degrees 30 minutes East 162.85 feet to the intersection of the southwest side of Stansbury Road, thence running and binding thence (6) South 55 degrees 40 minutes East 228.77 feet to the place of beginning.

Containing 1.687 acres of land, more or less.
The above description has been prepared for zoning purposes only and is not intended to be used for conveyance.
Being the property of Lynch Cove Associates, as shown on plat filed with the Zoning Department.
Hearing Date: Tuesday, March 2, 1982, at 10:15 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
By Order of WILLIAM E. HAMMOND, Zoning Commissioner of Baltimore County
Feb. 11

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 11, 1982.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one time successive weeks before the day of March, 1982, the first publication appearing on the 11th day of February 1982.

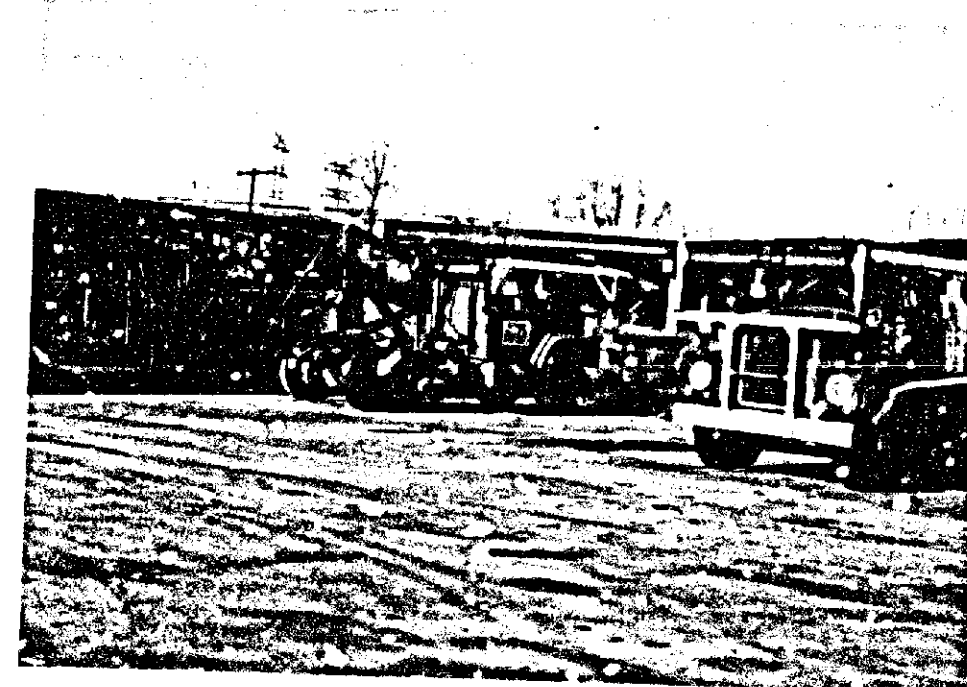
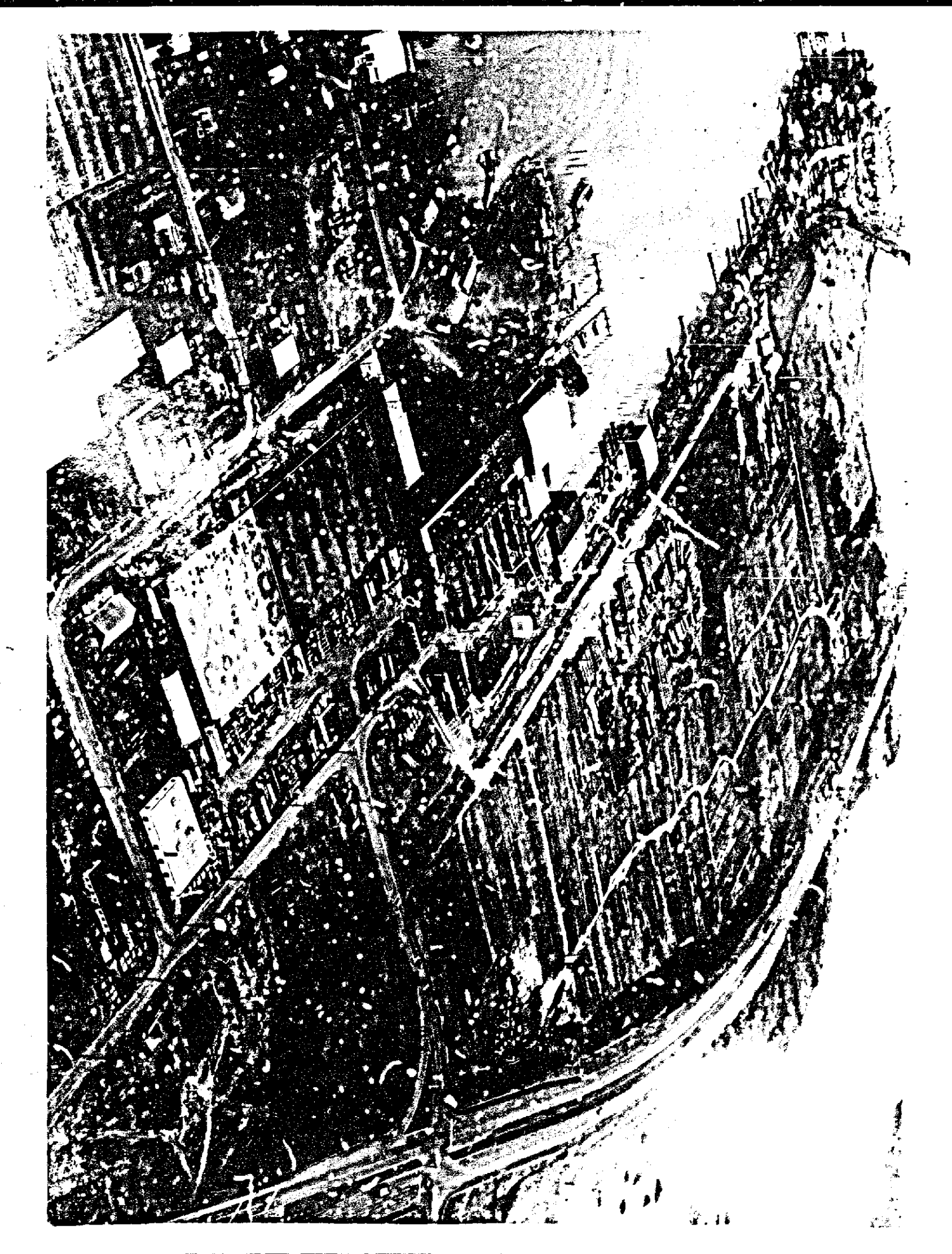
THE JEFFERSONIAN
Manager.

Cost of Advertisement, \$47.02

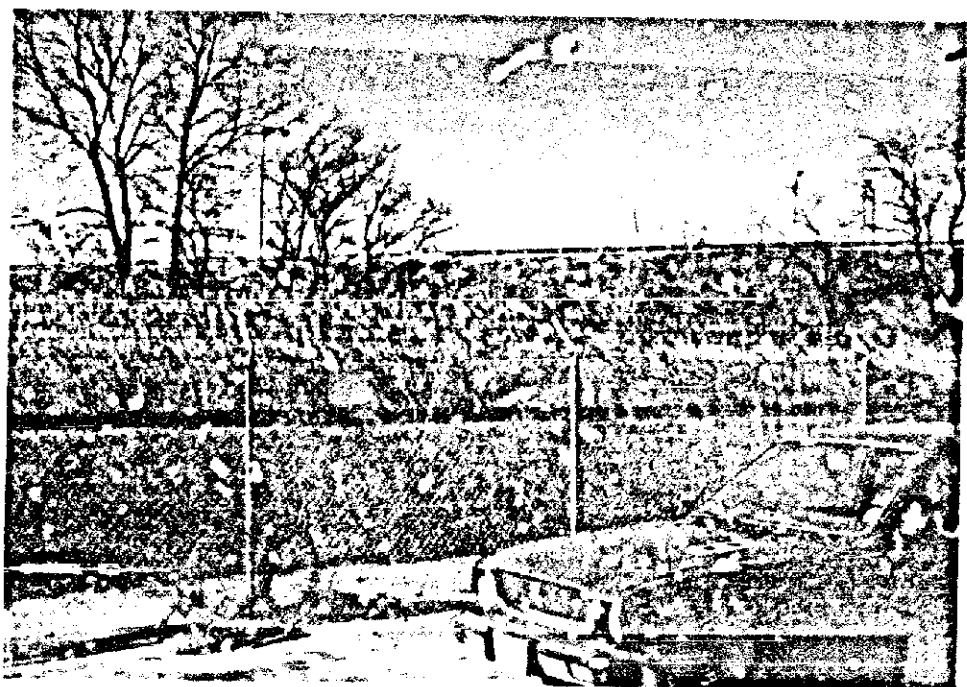
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 12 Date of Posting 2/14/82
Posted for Petitioner for Special Exception, Special Hearing & Variance
Petitioner: Lynch Cove Associates
Location of property: SW/cor. Stansbury Rd. & Chesterwood Rd.
Location of Sign: facing intersection of Stansbury & Chesterwood
Remarks: none
Posted by: Karen J. Gorman Date of return: 2/19/82
Signature

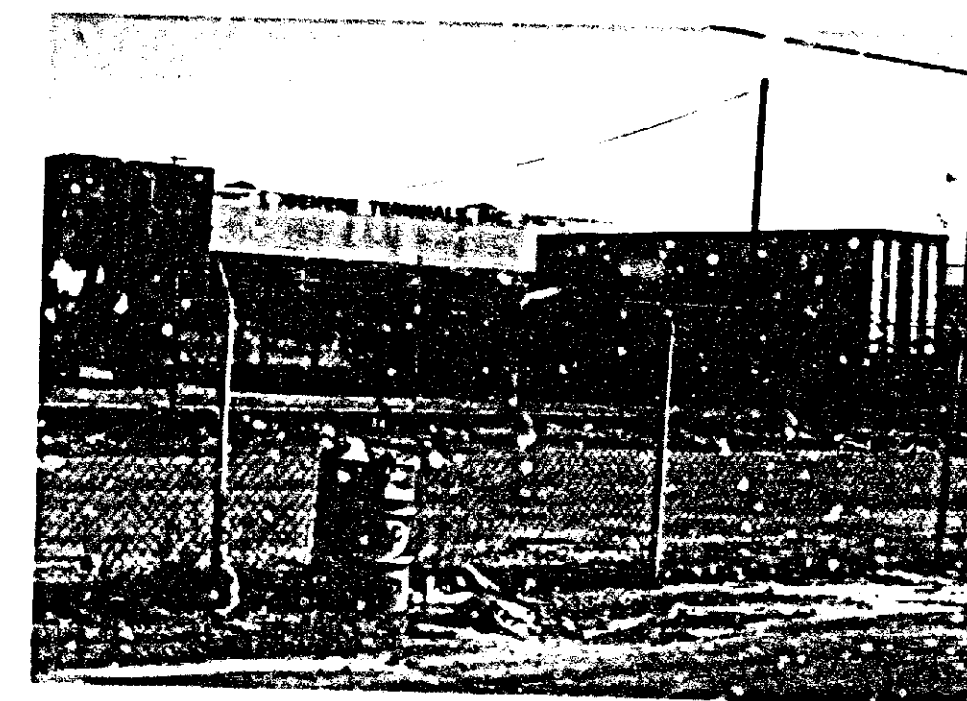
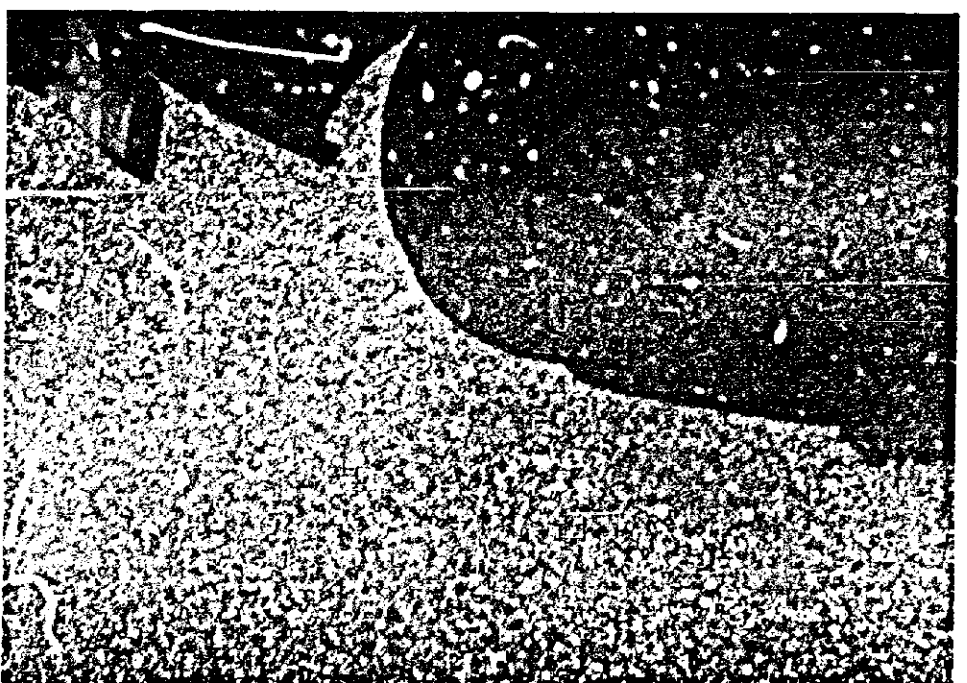
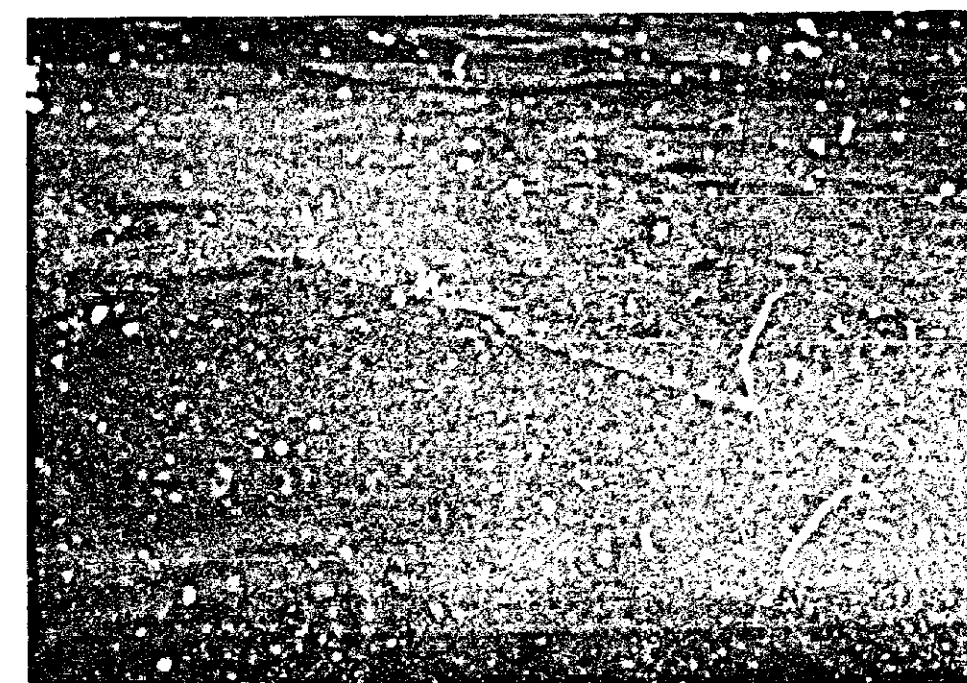
3 signs



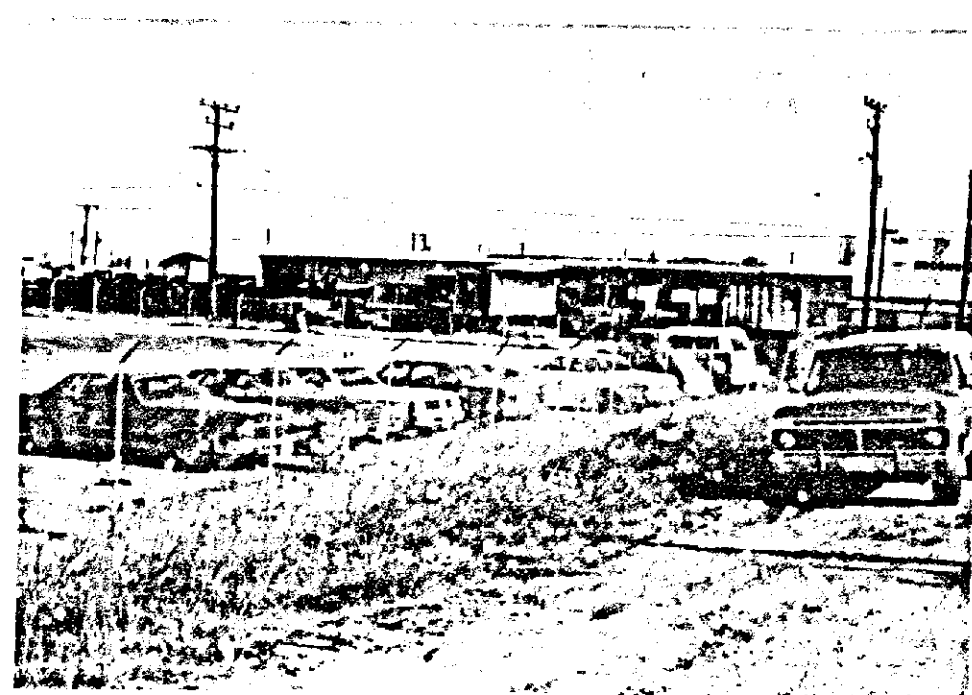
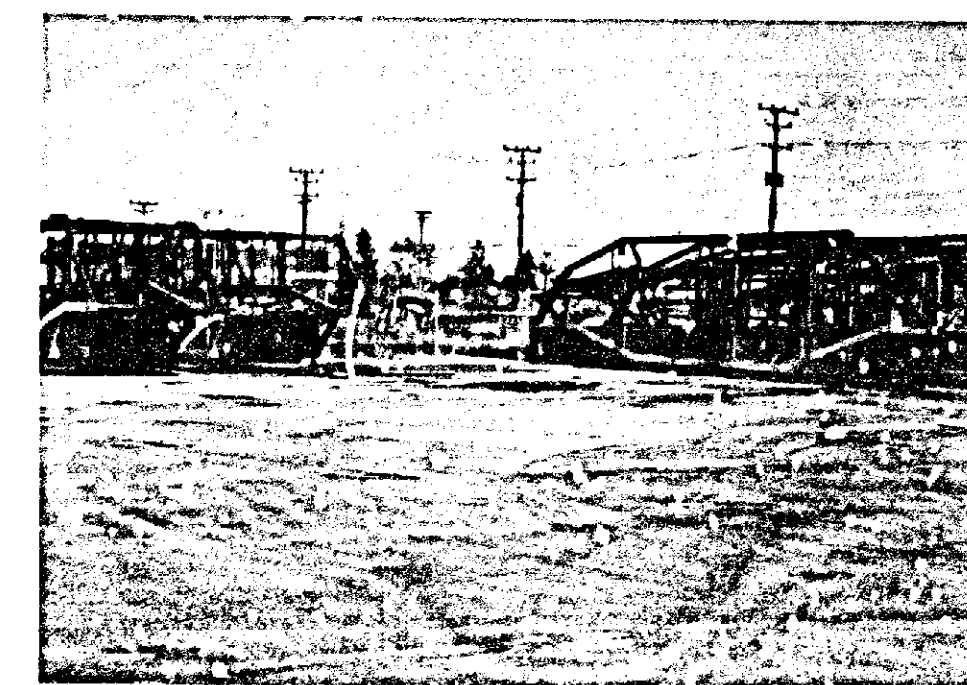
Looking North from
Peninsula Expressway



Looking South from
the lot toward
Peninsula Expressway



Looking North from the lot
across Stansbury Road



Looking West from
Chesterwood Road



Looking East
from the Lot
toward the
office building